

MONTANA LEGISLATIVE HISTORY

Chapter 122 1981

Bill H 750 S _____

Original bill & history ✓ c

H. Committee on Labor & Emp. Rel.

Hearing Date(s) 2-19 ✓ c

2-21 ✓ c

_____ c

_____ c

Date Out _____ c

S. Committee on Labor & Employment

Hearing Date(s) 3-10 _____ c

_____ c

_____ c

_____ c

Did this bill originate in an interim committee? _____ Yes _____ No

Committee _____

Report _____

HOUSE BILL NO. 750

INTRODUCED BY MEYER, RYAN

IN THE HOUSE

February 13, 1981	Introduced and referred to Committee on Labor and Industry.
February 16, 1981	Fiscal note requested.
February 20, 1981	Fiscal note returned.
February 21, 1981	Committee recommend bill do pass as amended. Report adopted.
February 23, 1981	Bill printed and placed on members' desks.
	Second reading, do pass.
February 24, 1981	Correctly engrossed.
February 25, 1981	Third reading, passed. Ayes, 97; Noes, 1. Transmitted to Senate.

IN THE SENATE

March 3, 1981	Introduced and referred to Committee on Labor and Employment Relations.
March 10, 1981	Committee recommend bill be concurred in. Report adopted.
March 11, 1981	Second reading, concurred in.
March 13, 1981	Third reading, concurred in. Ayes, 48; Noes, 0.

IN THE HOUSE

March 14, 1981	Returned from Senate. Concurred in. Sent to enrolling.
	Reported correctly enrolled.

HOUSE BILL NO. 750

INTRODUCED BY

Meyer Ryan

A BILL FOR AN ACT ENTITLED: "AN ACT TO REQUIRE INSURERS TO NOTIFY EMPLOYERS, ON AN ANNUAL BASIS, OF WORKERS' COMPENSATION BENEFITS THAT ARE ONGOING; AMENDING SECTION 39-71-606, MCA."

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MONTANA:

Section 1. Section 39-71-606, MCA, is amended to read:

"39-71-606. Insurer to accept or deny claim within thirty days of receipt -- notice of denial -- annual notice to employer. (1) Every insurer under any plan for the payment of workers' compensation benefits shall, within 30 days of receipt of a claim for compensation, either accept or deny the claim, and if denied shall inform the claimant and the division in writing of such denial.

(2) Every insurer shall notify, on an annual basis, each employer it insures of all compensation benefits that are ongoing and are being charged against that employer's account."

-End-

INTRODUCED BILL

HB 750

47th Legislature

Bill No.	Subject Matter	Date In	Sponsor	Hearing Date	Committee Action	Date Out
SB 132	Exempts agents from professional athletes from the provisions governing employment agencies.	2/2	Keating	2/17	Be Concurred In	2/17
HB 645	Permits a public employee to choose whether to be a member of a labor organization on an individual basis.	2/5	Burnett	2/17 (7:30 pm)	Do Not Pass	2/17 (Even. meeting)
HJR 25	Interim committee to study the child labor laws of Montana.	2/7	Harper	2/12	Do Pass	2/17
HB 75	Clarifies a week of unemployment and providing an exception whenever self-employment is not a primary source of income.	2/9	Harper		Did not belong in the committee but on 3rd reading -error	2/9
HB 750	Requires insurers to notify employers, on an annual basis, of workers' compensation benefits that are ongoing.	2/13	Meyer	2/ 19	TABLE Do Pass as Amended	2/19 2/21
HB 751	Allows workperiods other than 40 hours a week to be established by collective bargaining agents and the state;	2/13	Meyer	2/19	Do Pass As Amended	2/19

HOUSE LABOR AND EMPLOYMENT RELATIONS COMMITTEE
February 19, 1981

The House Labor and Employment Relations Committee convened on February 19, 1981, in Room 129 of the State Capitol, at 12:30 p.m., with Chairman Robert Ellerd presiding and all members present except Rep. Keedy, who was excused.

Chairman Ellerd opened the meeting to a hearing on HBs 750 and 751.

HOUSE BILL 750

REPRESENTATIVE DARRYL MEYER, District 42, chief sponsor, said this is a bill to require insurers to notify employers, on an annual basis, of workers' compensation benefits that are ongoing. This might enable the employer at a later date to hire back the injured worker in a lighter or different job.

JAN DOLAN, Administrator, City of Great Falls, spoke in support of the bill.

LARRY HUSS, Montana Contractors Association, said this would be an important tool as it would give them a chance to review the amount being paid to see if there are any malingerers and would help assure a strong fund.

KEITH OLSON, Executive Director of the Logging Industry, said this would help them institute a back to work program. He felt it would significantly help them.

GREG GROEPPER, Labor and Industry Department, said they would like an amendment: page 1, line 18, following "insurer" to insert "upon the request of the employer". This would give the material to people that will use it. He said with this amendment the department would have not trouble with the legislation.

Questions were asked by the committee. Rep. Thoft asked if Rep. Meyer had any problem with the amendment and Rep. Meyer said no. Rep. Dozier asked if this information isn't available now. Mr. Groepper said he thought it was, but private insurance companies may not have been willing to let go of the information.

HOUSE BILL 751

REPRESENTATIVE DARRYL MEYER, District 42, chief sponsor, said this is the exact same bill as Rep. Spilker had before the committee except hers was for city and county employees and this is for state employees, and this one has 120 hours that the comp hours are not to exceed.

R. NADIEAN JENSEN, AFSCME, spoke in support with a wish to amend out all references to 120 hours. She wanted them changed to 80 hours so it would be in line with HB 11.

TOM SCHNEIDER, Montana Public Employees Association, said that HB 11 was in the Senate Labor Committee being held to see what will happen to this bill. He said they really don't care if the hours are 120 or 80 but they should be the same for both bills. He said they support the bill for their state employees. It is a good tool for management to produce better government for the same money or less.

JERRY DRISCOLL, Laborers' Union, said they are a proponent of the amendment. It should be consistent.

In closing, Rep. Meyer said he had no problem with the amendment.

Chairman Ellerd closed the hearing and opened the meeting to a consideration of the following bills. Rep. Keedy had left his vote with the Chairman on certain bills.

HOUSE BILL 332 - Rep. Keyser moved to TABLE the bill. Rep. Schultz said he feels this needs to be addressed in the next session. The question was called and the motion carried unanimously with those present. Absent at the moment were Reps. Keedy, Seifert, Harrington and Hanson.

SENATE BILL 32 - Rep. O'Connell moved DO PASS. Rep. Harper made a substitution motion of DO NOT PASS. He said this bill just eliminates some irresponsible insurance adjustors. Any intentional acts of fraud with this bill could only be tried by the Workman's Comp Court and they don't have the ability for those kind of cases. This bill prevents the cases being taken to district court so there are no safeguards against abuses by an adjustor. He moved a motion for all motions pending to amend on page 1 by striking line 3 in its entirety. The motion to amend carried unanimously with those present. Question was called on the motion of DO NOT PASS AS AMENDED. The motion carried with 11 voting aye, 5 no (Reps. Ellerd, Underdal, Sivertsen, Seifert and Briggs), 1 absent (Hanson).

SENATE BILL 128 - Rep. Menahan moved DO PASS and the motion carried with 15 voting aye, 1 no (Keedy) and 1 absent (Hanson).

HOUSE BILL 750 - Rep. O'Connell moved to amend on line 18 after "insurer" to insert "upon request of the employer." Ms. Brodsky said she had drafted the bill for Rep. Meyer. Presently this information is available upon request of the employer.

Rep. Dozier said if the information is available upon the request of the employer, we are mandating a bunch of people to hand out a bunch of paper and what is the bill doing here.

Rep. Menahan said they could put on two more FTEs - since I'm for employment let's pass the bill without the amendment!

Rep. O'Connell asked why the bill was requested. Ms. Brodsky said the City of Great Falls requested the bill.

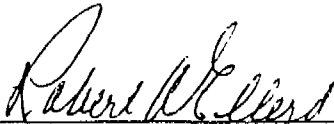
Mr. Groepper said it will be expensive to mail out. The fiscal note being prepared places it at \$80,000 a year. Rep. Harper asked if the information is provided by a private insurer upon request. The answer was that whether state or private it is available upon request.

Rep. Keyser moved to kill the bill. After further discussion he withdrew that motion and moved to TABLE the bill. This motion carried unanimously with those present. Recorded absent on this bill were Reps. Hanson, Thoft and Keedy.

HOUSE BILL 751 - Rep. Keyser moved to amend 120 hours every place it occurs to 80 hours and then that the bill AS AMENDED DO PASS. The motion carried unanimously with those present. (Hanson, absent).

Rep. Harrington moved the meeting adjourn. Meeting adjourned at 1:20 p.m.

Respectfully submitted,



ROBERT ELLERD, CHAIRMAN

HOUSE LABOR AND EMPLOYMENT RELATIONS COMMITTEE MINUTES
February 21, 1981

The House Labor and Employment Relations Committee convened at 1:50 p.m. on February 21, 1981, in Room 129 of the State Capitol, with Chairman Ellerd presiding and all members present except Reps. Dozier, Seifert and Smith, who were absent.

Chairman Ellerd said the sponsor of HB 750 had requested the committee to consider amendments to this bill. The sponsor felt there was a need for this legislation.

Rep. Pavlovich moved to take the bill off the table and this motion carried unanimously with those present.

Rep. Meyer, the bill's sponsor, went through the suggested amendments which were: 1) Title, line 5, strike ", ON AN ANNUAL BASIS,"; 2) page 1, line 12, strike "annual"; 3) page 1, line 18, stike "Every" and insert "Upon the request of an employer it insures, an" and strike ", on an annual basis,"; 4) page 1, line 19, strike "each" and insert "the" and strike "it insures."

Rep. Schultz moved the amendments. Chairman Ellerd said the bill as amended will not need a fiscal note. Rep. Harper agreed that the cost should be minimal. Question was called on the amendments and they were approved unanimously by those present.

Rep. O'Connell moved the bill AS AMENDED DO PASS. The motion carried unanimously with those present. Absent as listed above.

Meeting adjourned at 2 p.m.

Respectfully submitted,



ROBERT ELLERD, CHAIRMAN

COMMITTEE ON LABOR & EMPLOYMENT RELATIONS

BILL NO.	ENTERED COMM.	DATE CONSIDERED	OUT OF COMM.	DO NOT DATE	DO NOT PASS DATE	DO PASS AS AMEND. DATE	BE CON- CURRED IN DATE	BE CONC. IN AS AMENDED DATE	BE NOT CON- CURRED IN DATE
HB #11	1/21/81	2/3/81	3/7/81					3/7/81	
HB #49	1/19/81	1/29/81	1/29/81				1/29/81		
HB #75	2/12/81	3/5/81	3/7/81						3/7/81
HB #76	1/26/81	2/3/81	2/3/81				2/3/81		
HB #77	1/12/81	1/20/81	1/22/81				1/22/81		
HB #79	2/12/81	3/5/81	3/7/81				3/7/81		
HB #118	1/27/81	2/10/81	2/10/81				2/10/81		
HB #124	1/22/81	2/5/81	2/10/81				2/10/81		
HB #283	2/18/81	3/3/81	3/7/81				3/7/81		
HB #344	2/5/81	3/3/81	3/3/81				3/3/81		
HB #414	2/18/81	3/5/81	3/19/81						3/19/81
HB #430	3/4/81	3/12/81	3/17/81				3/17/81		
HB #464	2/19/81	3/3/81	3/3/81				3/3/81		
HB #557	3/3/81	3/10/81	Stays in Committee						
HB #750	3/3/81	3/10/81	3/10/81				3/10/81		
HJR #25	3/5/81	3/12/81	3/19/81				3/19/81		

(Use Separate Sheet for Senate, House Bills, and Resolutions)

SENATOR GOODOVER: Does this then take the place of collective bargaining?

MR. MCKITTRICK: The provisions of the law would guide what is properly in a collective bargaining agreement.

SENATOR AKLESTAD: Do the Board's provisions become effective on the same date?

REPRESENTATIVE MEYER: The minimum wage provisions in the first part of the Act become effective in the second year of the biennium, July 1, 1981 to July 1 of 1982, as well as the first, according to type of wage.

SENATOR ANDERSON: What percent of the labor force works for the minimum wage?

MR. GROEPPER: He didn't recall for certain, but about 10,000 would be subject to tip credit and the presumption is that they would be working for the minimum wage.

Representative Brown made closing remarks in support of HB 557. He stated that it was hard to believe that there are objections to the bill by the major supper clubs. He asked that the Committee check out closely what is asked to be repealed in the bill by the proposed amendments. As to a banquet situation, there is an even spread of tips in any case.

SENATOR NELSON: Asked why there wasn't a differentiation in the minimum wage bill between teenagers and other workers.

REPRESENTATIVE BROWN: If there is a job that you need to hire someone for, it is meritorious that you would hire a youth and give him a chance. The youth should get paid the minimum wage for work performed equally as satisfactorily as work performed by non teenagers.

SENATOR NELSON: Teenagers work won't increase the income on the ranch enough to justify paying minimum wage.

MR. GROEPPER: There is an exclusion in the law to take care of the problem of hiring teenagers on a ranch at a lower wage.

SENATOR RYAN: Asked Mr. Judge what he thought of amendment #4.

MR. JUDGE: It is much broader than it appears to be and there is more in that amendment than has been purported.

Chairman Nelson called the hearing closed on House Bill 557.

ACTION ON HOUSE BILL 750:

Senator Ryan moved that House Bill 750 Be Concurred In. The

Committee voted unanimously, with the exception of Senator Keating who was absent, that HOUSE BILL 750 BE CONCURRED IN.

Senator Ryan agreed to carry House Bill 750 on the floor.

No action was taken on House Bill 557 at this meeting.

ADJOURN: There being no further business, the meeting adjourned at 2:10 p.m.



Senator Harold C. Nelson, Chairman

mln

ROLL CALL

LABOR & EMPLOYMENT RELATIONS COMMITTEE

47th LEGISLATIVE SESSION - - 1981

Date March 10

NAME	PRESENT	ABSENT	EXCUSED
GARY C. AKLESTAD, VICE-CH.	✓		
MIKE ANDERSON	✓		
PAT M. GOODOVER	✓		
WILLIAM HAFFERMAN	✓		
THOMAS F. KEATING			✓
BILL NORMAN	✓		
PATRICK L. RYAN	✓		
HAROLD C. NELSON, CHAIRMAN	✓		

Each day attach to minutes.

STANDING COMMITTEE REPORT

March 10, 19 81

MR. PRESIDENT

We, your committee on LABOR & EMPLOYMENT RELATIONS

having had under consideration HOUSE Bill No. 750

Meyer (Senator Ryan)

Respectfully report as follows: That HOUSE Bill No. 750

BE CONCURRED IN
DO-PASS



NAME: Wm R. Palmer DATE: 3/10/81

ADDRESS: 815 FRONT ST

PHONE: 449-3182

REPRESENTING WHOM? DIVISION OF WORKERS' COMP.

APPEARING ON WHICH PROPOSAL: HB 750

DO YOU: SUPPORT? ✓ AMEND? OPPOSE?

COMMENTS: The bill as it now reads poses
no administrative problems to the Division.
Employers may request + receive copies of
their accident experience which the Division
is very willing to accommodate.

PLEASE LEAVE ANY PREPARED STATEMENTS WITH THE COMMITTEE SECRETARY.